

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1 and 11-33 are currently pending. Claims 1 and 11-33 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.¹

In the outstanding Office Action, Claims 26-30 and 33 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; and Claims 1 and 11-33 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,092,952 to Wilens (hereinafter “the ‘952 patent”).

Applicant respectfully traverses the rejection of Claims 26-30 and 33 under 35 U.S.C. § 101. Applicant notes that the Office Action asserts that Claims 26-30 and 33 are directed to non-statutory subject matter because the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. § 101. However, it is noted that independent Claims 26 and 33 are directed to a “terminal apparatus” and an “information reception apparatus,” respectively, which fall within the classes for statutory matter. Moreover, it is noted that those claims recite structure. Claim 1 recites that the “terminal apparatus” comprises a transmission unit and a reception unit; and Claim 33 recites that the “information reception apparatus” comprises transmission means, reception means, and registration means.

Proper claim interpretation of a means-plus-function (35 U.S.C. § 112, 6th paragraph) element entails consideration of the structures disclosed in the specification and equivalents thereof.

¹ See, e.g., page 14, line 2 to page 17, line 12 of Applicant’s specification.

In determining the scope of the claims prior to determining compliance with each statutory requirement for patentability, MPEP § 2106 provides:

USPTO personnel are to correlate each claim limitation to all portions of the disclosure that describe the claim limitation. This is to be done in all cases, regardless of whether the claimed invention is defined using means or step plus function language. The correlation step will ensure that USPTO personnel correctly interpret each claim limitation. (emphasis added).

Thus, Applicant respectfully submits that the rejection under 35 U.S.C. § 101 of 26-30 and 33 are improper as these claims clearly recite apparatus claim limitations. Accordingly, it is respectfully requested that the rejection of Claims 26-30 and 33 under 35 U.S.C. § 101 be withdrawn.

Amended Claim 1 is directed to an information transmission apparatus, comprising:

reception means for receiving a plurality of taste information that represent respective tastes of a plurality of users from a plurality of terminal apparatuses of the plurality of users;

storage means for storing the received plurality of taste information and attribute information corresponding to each of the plurality of users;

search means for searching for at least two taste information having a resemblance to each other from the plurality of taste information stored in the storage means;

retrieval means for retrieving at least the attribute information of the at least two taste information searched by the search means; and

transmission means for transmitting the retrieved attribute information to a terminal apparatus of a user corresponding to any one of the at least two taste information and not corresponding to the retrieved attribute information.

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(e), the '952 patent is directed to a method for grouping computer subscribers by common preferences to establish non-intimate relationships. In particular, the '952 patent discusses a method of grouping computer subscribers by common preferences, by utilizing an algorithm to establish non-

intimate relationships by determining a level of similarity between computer subscribers.² As cited by the outstanding Office Action, the '952 patent discusses that “[t]o group the user with fellow subscribers, the user selects the ‘create groups’ heading 28 on the home page 14 of the website 12.”³ Once the group is created, the '952 patent discusses that “the group is viewed on a separate computer screen having the heading ‘view groups’ 30, as seen in FIG. 8.”⁴

The outstanding Office Action asserts that the '952 discussion that “a search can be done for only married men, for example, or can display characteristics your friend must not have, column 9, lines 9-15” teaches retrieving at least the attribute information.⁵ Further, the Office Action asserts that the '952 computer system that “transmits information about users taste, which may be biographical information, or information about personal preference” teaches transmission of the retrieved attribute information.⁶

However, it is respectfully submitted that the '952 patent fails to disclose retrieval means for retrieving at least the attribute information of the at least two taste information searched by the search means. Rather, the '952 patent discusses that the characteristics asserted in the Office Action (*i.e.*, only married men, and characteristics your friend must not have) correspond to matching criteria **provided by a user**.⁷ The '952 patent does not disclose that the asserted characteristics are related to **at least two taste information searched by the search means**. Thus, the '952 patent does not disclose the retrieval means defined in Claim 1

Further, it is respectfully submitted that the '952 patent fails to disclose transmission means for transmitting the retrieved attribute information to a terminal apparatus of a user

² See '952 patent, column 1, lines 8-13.

³ Id. at column 6, lines 29-31.

⁴ Id. at column 6, lines 55-57.

⁵ See Office Action dated May 1, 2008, page 5.

⁶ Id.

⁷ See '952 patent, column 5, lines 29 to column 6, lines 7.

corresponding to any one of the at least two taste information and not corresponding to the retrieved attribute information. Rather, the '952 patent discusses that the bibliographical information, and information about personal preference, cited in the Office Action, is information **provided from the user to a website.**⁸ Further, the '952 patent simply discusses that group members and their common characteristics may be viewed, **once a user is grouped with at least two fellow subscribers.**⁹ The '952 patent does not disclose that the bibliographical information, and information about personal information, are transmitted ***to a terminal apparatus of a user corresponding to any one of the at least two taste information and not corresponding to the retrieved attribute information.***

Accordingly, it is respectfully submitted that Claim 1 patentably defines over the '952 patent.

Amended Claim 11 recites, in part,

a transmission step of transmitting at least attribute information of the at least two taste information searched in the search step to a terminal apparatus of a user corresponding to any one of the at least two taste information and not corresponding to the attribute information.

Amended Claim 16 recites, in part,

a reception step of receiving attribute information of at least two taste information, the attribute information being information that the predetermined apparatus that has received the taste information at least transmits to the terminal apparatus of the user corresponding to any one of the at least two taste information and not corresponding to the attribute information, after searching for the at least two taste information having a resemblance to each other from the plurality of taste information stored therein.

As noted above, the '952 patent fails to disclose the retrieval means and the transmission means recited in Claim 1. Thus, the '952 patent fails to disclose the information transmission method and the information reception method recited in Claims 11 and 16,

⁸ See '952 patent, column 5, line 15 to column 6, line 7.

⁹ Id. at column 9, lines 34-36.

respectively. Accordingly, it is respectfully submitted that Claims 11 and 16 (and all associated dependent claims) patentably define over the '952 patent.

Amended Claim 21 recites limitations analogous to the limitations recited in Claim 1, but in non-means-plus-function format. Moreover, Claim 21 has been amended in a manner analogous to the amendments to Claim 1. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 1, it is respectfully submitted that Claim 21 (and all associated dependent claims) patentably defines over the '952 patent.

Amended Claim 26, recites in part,

a reception unit configured to receive attribute information of at least two taste information, the attribute information being information that the predetermined apparatus that has received the plurality of taste information at least transmits to the terminal apparatus of the user corresponding to any one of the at least two taste information and not corresponding to the attribute information, after searching for the at least two taste information having a resemblance to each other from the plurality of taste information stored therein.

As noted above, the '952 patent fails to disclose the retrieval means and the transmission means recited in Claim 1. Thus, the '952 patent fails to disclose the terminal apparatus recited in Claim 26. Accordingly, it is respectfully submitted that Claim 26 (and all associated dependent claims) patentably defines over the '952 patent.

Amended Claims 31-33 recite limitations analogous to the limitations recited in Claim 1, although of differing class and/or scope. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 1, it is respectfully submitted that Claims 31-33 patentably define over the '952 patent.

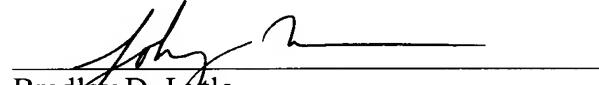
Thus, it is respectfully submitted that independent Claims 1, 11, 16, 21, 26, and 31-33 (and all associated dependent claims) patentably define over the '952 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as

amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Little
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Johnny Ma
Registration No. 59,976